

Appn. No. 10/805,732
Amendment dated December 19, 2005
Reply to Office Action mailed September 19, 2005

REMARKS

Reconsideration is respectfully requested.

Claims 1 through 21 remain in this application. No claims have been cancelled or withdrawn or added.

The present Amendment attends to some minor awkward grammatical phrasing in claim 4 that is not thought to affect the patentability of the application.

Paragraph 1 of the Office Action

Claims 10, 11, 14, 15, 19, 20 and 21 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Moon in view of Mizuta, and further in view of Taneya et al.

Claim 10, particularly as amended, requires "an indicator operatively coupled to the actuator to provide an indication to a user of a direction of rotation that avoids an incorrect rotation about the first axis". Claim 14 requires, in part, "an indicator configured to visually indicate a direction of rotation about a first axis when the display portion is rotated about the first axis substantially to at least one predetermined position".

The rejection of claims 10 and 14 are based upon the allegedly obvious combination of the Mizuta and Taneya patent applications with the Moon patent.

It is alleged that the Mizuta patent application "teaches (Fig. 2) an indicator means that comprises an actuator means (111a, 111b, 111c, 204a) to provide a signal corresponding to a rotational direction of the hinge assembly (300)". However, it is submitted that the discussion in the Mizuta patent application is more specifically directed to the rotational *position* of the upper and lower units with respect to each other, and not the rotational

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direction of the portions about an axis. See, for example, Mizuta at paragraph [0044] (emphasis added):

[0044] As shown in FIG. 4, the portable telephone according to the present embodiment is structured to include an antenna 104, an RF circuit 105, a modem 106, a baseband processing circuit 107, a codec circuit 108, a control unit 109, a microphone 103, operation keys 102, an alert means 110 (here, LED section 122), and three magnetic sensors 111a, 111b and 111c that are used to detect a position of the upper unit 200 (a posture relative to the lower unit 100).

And also at paragraphs [00551] and [0052], where Mizuta states (emphasis added):

[0051] Position detection

[0052] As described above, the magnetic sensors 111a, 111b and 111c and the magnets 204 cooperate to detect a relative position between the lower unit 100 and the upper unit 200. Installation positions of the magnetic sensors 111 and the magnets 204 will be described in detail.

It is therefore submitted that the Mizuta patent application does not disclose any structure or circuitry capable of "provid[ing] a signal corresponding to a rotation *direction* of the hinge assembly", as asserted in the rejection.

Further, it is alleged that the Taneya patent application "teaches an indicator means (47b) to provide an indication to a user of the rotational direction about a second axis" and specifically relies upon the portion of Taneya application at paragraph [0075], where it is stated that:

[0075] The lid case 42 has arranged on its rear surface an auxiliary display 47b comprising a liquid crystal display as shown in FIG. 6. The display surface of the auxiliary display 47b is exposed to the outside even when the casing 4 is closed. Information presented on the auxiliary display 47b can be seen even when the casing 4 is closed. The display surface of the auxiliary display 47b has a large area such that text information can be presented over a plurality of lines. The display operation of the auxiliary display 47b is set on only when the casing 4 is closed. In standby state, date and battery mark, etc., are presented thereon. When a message is received, a message-receiving mark is presented thereon and the contents of the received message are also displayed as will be stated below. The lid case 42 further has arranged on its rear surface a CCD camera 50, which has a lens portion exposed to the outside regardless of whether the casing 4 is

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opened or closed as shown in FIGS. 5 and 6. The user can photograph an image regardless of whether opened or closed.

However, this portion of the Taneya patent application appears to be more concerned with a rotational *position* of one portion of the device with respect to another portion of the device, in contrast to a rotational *direction* of movement of the portions of the Taneya device. It is submitted that nothing in this portion of the Taneya published patent application, or anywhere else in the Taneya application, teaches or suggests "an indicator operatively coupled to the actuator to provide an indication to a user of a direction of rotation that avoids an incorrect rotation about the first axis" or "an indicator configured to visually indicate a direction of rotation about a first axis when the display portion is rotated about the first axis substantially to at least one predetermined position".

Furthermore, it is contended in the rejection of the Office Action that:

It would have been obvious ... to utilize the indicator means about as taught by Taneya et al. about a first axis and the actuator means of Mizuta in the invention of Moon, in order to provide a warning to the user regarding the limit or rotatable bound of the display.

The rejection of the claims in the Office Action, to be supported by the prior art, must provide specific, objective evidence of record for a finding of a suggestion or motivation to combine reference teachings and must explain the reasoning by which the evidence is deemed to support such a finding. In re Sang Su Lee, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002). The Office Action states that the motivation to combine Moon, Mizuta, and Taneya is "to provide a warning to the user regarding the limit or rotatable bound of the display" However, at best the Mizuta patent application discusses structure that is capable of detecting as position of one portion of the device with respect to another portion of the device, with no indication or warning of any limit of rotation of the portions, and similarly, the Taneya patent application at best discusses different

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information being displayed on the screens of the device depending upon the position of the portions of the device relative to each other, and fails to mention anything about providing any warning about an approaching limit or rotatable bound.

It is respectfully submitted that given the actual teachings of the references, the cited motivation to combine is not found in the references themselves. The cited references do not state that their purpose or benefit is to provide a warning to the user regarding the limit or rotatable bound of the display, and it is respectfully submitted that the quoted statement from the Office Action is merely a conclusory statement of belief and not specific objective evidence of a motivation to combine.

Withdrawal of the §103(a) rejection of claims 10, 11, 14, 15, 19, 20 and 21 is therefore respectfully requested.

Paragraph 2 of the Office Action

Paragraph 2 of the Office Action states that claims 1 through 9, 12, and 13 are allowed.

Paragraph 2 also indicates that claims 16 through 18 would be allowable if written into independent form with the limitations of the base claim and any intervening claims.

The above amendment incorporates the requirements of claims 14 and 15 (in their original form) into the recitation of claim 16, and therefore claim 16 is believed to be in condition for allowance. Claims 17 and 18, by virtue of their dependency from amended claim 16, are also submitted to be in condition for allowance.

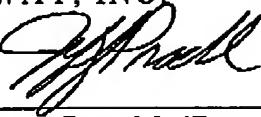
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CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

GATEWAY, INC.

By 
Jeffrey A. Proehl (Reg. No. 35,987)
WOODS, FULLER, SHULTZ & SMITH P.C.
P.O. Box 5027
Sioux Falls, SD 57117-5027
(605)336-3890 FAX (605)339-3357

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